

RESOLUTION NO. 2007-299

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM IS-07-015; APPROVING AMENDMENTS TO THE CITY'S GENERAL PLAN, THE EASTLAKE II GENERAL DEVELOPMENT PLAN, THE EASTLAKE BUSINESS CENTER II SUPPLEMENTAL SECTIONAL PLANNING AREA PLAN, PUBLIC FACILITIES FINANCING PLAN AND ASSOCIATED REGULATORY DOCUMENTS FOR 44 ACRES AT THE NORTHEAST, NORTHWEST AND SOUTHWEST CORNERS OF FENTON STREET AND SHOWROOM PLACE WITHIN THE EASTLAKE BUSINESS CENTER

I. RECITALS

A. Project Site

WHEREAS, the areas of land which are the subject of this Resolution are diagrammatically represented in Exhibit "A" attached to and incorporated into this Resolution, and commonly known as EastLake Business Center II, and for the purpose of general description herein consists of 44 acres subdivided into 3 separate properties: (1) Area A consists of 16.7 acres located at the eastern portion of the Business Center, at the northeast corner of Fenton Street and Showroom Place and contains the existing (Phase I) 234,000 EastLake Design District; (2) Area B consists of 17.7 acres located at the northwest corner of Fenton Street and Showroom Place. Area B is currently vacant; and, (3) Area C, located south of Fenton Street, consists of 9.6 acres and is currently vacant (Project Site); and

B. Project; Application for Discretionary Approvals

WHEREAS, a duly verified application was filed with the City of Chula Vista Planning and Building Department on September 11, 2006, by IRE Development (Applicant), requesting amendments to the City's General Plan, the EastLake II General Development Plan, the EastLake Business Center II Supplemental SPA Plan, the Planned Community District Regulations and associated regulatory documents, including design guidelines, Public Facilities Financing Plan, Air Quality Improvement Plan and Water Conservation Plan for the Project Site (Project); and

C. Prior Discretionary Approvals

WHEREAS, development of the Project Site has been the subject matter of various entitlements and agreements, including: (1) amended EastLake II General Development Plan (GDP) approved by City Council Resolution No. 2005-288 on August 23, 2005; (2) Business Center II Supplemental SPA approved by City Council Resolution No. 19666 on November 16, 1999; and, (3) amended EastLake II Planned Community District Regulations approved by City Council Ordinance No. 3018 on September 13, 2005; and

D. Environmental Determination

WHEREAS, the Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has conducted an Initial Study, IS-07-015 in accordance with the California Environmental Quality Act. Based upon the results of the Initial Study, the Environmental Review Coordinator has determined that the project could result in significant effects on the environment. However, revisions to the project made by or agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Environmental Review Coordinator has prepared a Mitigated Negative Declaration, IS-07-015.

E. Planning Commission Record of Application

WHEREAS, the Planning Commission set the time and place for a hearing on the Project, and notice of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its mailing to property owners within 500 ft. of the exterior boundary of the Project Site at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held an advertised public hearing on the Project on November 28, 2007, and voted 5-0-1-1 to forward a recommendation to the City Council on the Project; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project held on November 28, 2007, and the minutes and resolution resulting therefrom, are incorporated into the record of this proceedings; and

F. City Council Record of Application

WHEREAS, the City Clerk set the time and place for the hearing on the Project application and notices of said hearings, together with its purposes given by its publication in a newspaper of general circulation in the city, and its mailing to property owners within 500 ft. of the exterior boundaries of the Project Site at least ten (10) days prior to the hearing; and

WHEREAS, the duly called and noticed public hearing on the Project was held before the City Council of the City of Chula Vista on December 18, 2007, in the Council Chambers in the City Hall, Chula Vista Civic Center, 276 Fourth Avenue, at 6:00 p.m. to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it finds, determines, and resolves as follows:

II. CERTIFICATION OF COMPLIANCE WITH CEQA

The City Council finds that, in the exercise of their independent review and judgment, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (IS-07-015), in the form presented, has been prepared in accordance with requirements of the California Environmental Quality Act and the Environmental Review Procedures of the City of Chula Vista and adopts Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (IS-07-015).

III. APPROVAL OF GENERAL PLAN AMENDMENT

The City Council approves the amendments to the Chula Vista General Plan Land Use Diagram text and statistics is as set forth and diagrammatically represented in Exhibit "B," to change the land use designation of 16.7 acres at the northeast corner of Fenton Street and Showroom Place from Light Industrial to Commercial Retail. The change of 16.7 acres from Light Industrial to Commercial Retail is shown in updated Table 5-6 of the Land Use Element and Transportation Element of the General Plan, as shown in Exhibit "B-1."

IV. GENERAL PLAN INTERNAL CONSISTENCY

The City Council finds and determines that the General Plan is internally consistent and shall remain internally consistent following the amendments in this Resolution.

V. GENERAL DEVELOPMENT PLAN FINDINGS

THE PROPOSED AMENDMENTS TO THE GENERAL DEVELOPMENT PLAN CONFORM WITH THE PROVISIONS OF THE CHULA VISTA GENERAL PLAN, AS AMENDED.

The proposed amendments to the EastLake II General Development Plan reflect the land uses that are consistent with the City's General Plan as proposed to be amended.

VI. APPROVAL OF GENERAL DEVELOPMENT PLAN AMENDMENT

In light of the findings above, the City Council approves the amendment to EastLake II General Development Plan in the form presented to the City Council and on file in the office of the City Clerk.

VII. SPA FINDINGS/ APPROVAL

- A. THE SECTIONAL PLANNING AREA (SPA) PLAN, AS AMENDED, IS IN CONFORMITY WITH THE EASTLAKE II GENERAL DEVELOPMENT PLAN AND THE CHULA VISTA GENERAL PLAN.

The proposed amendments to the EastLake Business Center II SPA Plan reflect the land uses that are consistent with the EastLake II General Development Plan and the City of Chula Vista General Plan as proposed to be amended.

- B. THE SECTIONAL PLANNING AREA (SPA) PLAN, AS AMENDED, WILL PROMOTE THE ORDERLY SEQUENTIALIZED DEVELOPMENT OF THE INVOLVED SECTIONAL PLANNING AREAS.

The requested amendments to the EastLake Business Center II SPA plan includes a Supplemental Public Facilities Financing Plan that outlines the required infrastructure to serve the Project, the timing of installation and the financing mechanisms to promote the orderly sequentialized development of the Project.

- C. THE EASTLAKE SECTIONAL PLANNING AREA (SPA) PLANS, AS AMENDED, WILL NOT ADVERSELY AFFECT ADJACENT LAND USE, RESIDENTIAL ENJOYMENT, CIRCULATION OR ENVIRONMENTAL QUALITY.

The proposed land use text and statistical amendments to the SPA, and development standards will not adversely affect the circulation system and overall land use pattern as previously envisioned in the EastLake II General Development Plan. A Mitigated Negative Declaration (IS-07-015) and accompanying Mitigation Monitoring Program was prepared for the Project. Mitigation measures have been included related to aesthetics/visual quality, air quality, paleontological, hydrology and water quality, noise, and traffic. Thus, the requested amendments to the SPA will not adversely affect the adjacent land uses, residential enjoyment, circulation or environmental quality of the surrounding uses.

- D. IN THE CASE OF PROPOSED INDUSTRIAL AND RESEARCH USES, THAT SUCH DEVELOPMENT WILL BE APPROPRIATE IN AREA, LOCATION, AND OVERALL DESIGN AND DEVELOPMENT STANDARDS ARE SUCH AS TO CREATE A RESEARCH OR INDUSTRIAL ENVIRONMENT OF SUSTAINED DESIRABILITY AND STABILITY; AND, THAT SUCH DEVELOPMENT WILL MEET PERFORMANCE STANDARDS ESTABLISHED BY THIS TITLE.

The orientation and configuration of the 16.7 acres is substantially more suitable for commercial retail rather than light industrial land use and more compatible with the EastLake Design District which currently occupies the site.

Thus, changing the previously adopted land use designation from Light Industrial to Commercial Retail is appropriate, and would be compatible with surrounding land uses. This added acreage will contribute substantially to achieve the city's economic development goals and objectives.

- E. THE STREETS AND THOROUGHFARES ARE SUITABLE AND ADEQUATE TO CARRY THE ANTICIPATED TRAFFIC THEREON.

The potential impacts to traffic and circulation have been thoroughly analyzed based upon the proposed project resulting in specific requirements that must be complied with at the time of development within the project area. This includes payment of in-lieu fees to pay fair share of cumulative impacts to the off-site intersection located at the intersection of the Vons Driveway and Otay Lakes Road and the construction of a traffic signal at the intersection of Fenton Street and Showroom Place.

- F. ANY PROPOSED COMMERCIAL DEVELOPMENT CAN BE JUSTIFIED ECONOMICALLY AT THE LOCATION(S) PROPOSED AND WILL PROVIDE ADEQUATE COMMERCIAL FACILITIES OF THE TYPES NEEDED AT SUCH PROPOSED LOCATION(S).

The proposed amendments increase the acreage designated Commercial Retail to allow for additional complementary retail establishments to be located within the existing Eastlake Design District in an effort to increase the economic viability of the District and to provide additional services, including restaurants and other similar uses, which complement the existing home improvement district.

- G. THE AREA SURROUNDING SAID DEVELOPMENT CAN BE PLANNED AND ZONED IN COORDINATION AND SUBSTANTIAL COMPATIBILITY WITH SAID DEVELOPMENT.

The proposed amendments are consistent with the previously approved plans and regulations applicable to surrounding sites and therefore the proposed amendments can be planned and zoned in coordination and substantial compatibility with said development.

VIII. APPROVAL OF SPA AMENDMENTS

In light of the findings above, the City Council approves the EastLake Business Center II SPA amendments as presented in Exhibit "C" subject to the conditions set forth below:

1. Implement all environmental impact mitigation measures identified in Mitigated Negative Declaration IS 07-015 and Mitigation Monitoring Program for this project.

2. Install all public facilities in accordance with the EastLake Business Center Supplemental Public Facilities Plan 2007 Amendment or as required to meet the Growth Management Threshold standards adopted by the City. The City Engineer may modify the sequence of improvement construction should conditions change to warrant such a revision.
3. Implement the Federal and State mandated conservation measures outlined in the Water Conservation Plan for EastLake Business Center II Supplemental SPA Plan and 2007 Addendum.
4. Prior to approval of building permits for each phase of the Project, the Applicant shall demonstrate that air quality control measures outlined in the EastLake Business Center II Supplemental Air Quality Improvement Plan and 2007 Addendum pertaining to the design, construction and operational phases of the project have been incorporated in the project design.
5. Prior to the 30th day after the Ordinance becomes effective, the Applicant shall submit to the Planning and Building Department twenty (20) copies and a CD of amended EastLake II GDP, EastLake Business Center II SPA, EastLake II Planned Community District Regulations (PC District Regulations), Design Guidelines, Air Quality Improvement Plan, Water Conservation Plan and EastLake Business Center Supplemental Public Facilities Financing Plan 2007 Amendment. Specific document format, table of contents, and titles shall be as determined by City Staff.
6. Prior to the 30th day after the Ordinance becomes effective, the Applicant shall clean-up the SPA document by deleting all strike out, underlines, and shading. Where the document contains both an existing and proposed exhibit, the previous existing exhibit should be removed and substituted. In addition, the following text, document format, map and statistical changes shall be incorporated into the document:

SPA Plan

1. Following Page I-10, add sections II.2.1.6.2 through II.2.1.6.5 back into the document
2. Change pagination on Pages I-10 through I-12.

PC District Regulations

3. On Page 1-II, change BC-4 designation from Core Professional District to Core District
4. On Page IV-1, incorporate BC-4 into the definition of Business Center Core District
5. Page IV-7 regarding new footnote 5(A), add the following language: "as measured from the Property Line (except along Otay Lakes Road measured from top of slope, irregardless of where property line is located"
6. Page VIII-2 regarding order footnotes: make new footnote for furniture store parking as footnote 2.

Design Guidelines

7. Following Page IV-18, the next page should be numbered V-1 with consistent page numbering to follow. Remove duplicated pages.

IX. PFFP FINDINGS/APPROVAL

- A. THE AMENDMENT TO THE EXISTING PFFP COMPLIES WITH SECTIONS 19.09.050 THROUGH 19.09.100, REQUIREMENTS FOR PUBLIC FACILITIES FINANCING PLAN.

The amendment to the EastLake Business Center II Supplemental PFFP has been prepared according to the contents and details outlined in the Municipal Code. It has been submitted to and reviewed by the Director of Planning and Building. The Planning Commission has reviewed the proposed amendments and recommends adoption by the City Council. Public facilities needed to serve the project were identified and will be guaranteed by conditions of approval, implementation of required mitigation measures identified in Mitigated Negative Declaration IS-07-015, payment of Development Impact (DIF) fees at the building permit stage, and/or utilizing Community Facilities to finance or maintain the public facility.

- B. THE PROPOSED PFFP AMENDMENT IS CONSISTENT WITH THE OVERALL GOALS AND POLICIES OF THE CITY'S GENERAL PLAN, GROWTH MANAGEMENT PROGRAM, THE AMENDED EASTLAKE II GENERAL DEVELOPMENT PLAN AND THE AMENDED EASTLAKE BUSINESS CENTER II SPA PLAN.

The EastLake II General Development Plan and EastLake Business Center II SPA outline the necessary public facilities required to meet its land use and circulation objectives of the General Plan. The amendment to the existing PFFP outlines detailed plans for the provision of these public facilities as they relate to the proposed Project.

The amended PFFP identifies required DIF fees that must be paid to help defray costs of facilities that will benefit the project. The estimated fees required by this project are \$2,627,009 for Transportation Facilities and \$2,850,622 for other applicable Facilities.

While net fiscal impact of the Project on public facilities is negative in 2007 (\$91,800 Loss) and 2008 (\$57,400 Loss), the fiscal impact becomes positive in 2009 (\$306,500) and positive at build out (\$345,000).

- C. THE AMENDMENT TO THE EXISTING PFFP ENSURES THAT THE DEVELOPMENT OF THE PROJECT WILL NOT ADVERSELY AFFECT THE CITY'S QUALITY OF LIFE STANDARDS.

As required by the City's Growth Management Ordinance, the PFFP amendment analyzes the impact of the project on public facilities and services and identifies the required public facilities and services needed to serve the project to maintain consistency with the City's Quality of Life Threshold Standards. The PFFP describes in detail the cost, financing mechanisms and timing for constructing public facilities required to ensure that development occurs only when the necessary public facilities exist or are provided concurrent with the demands of the new development. Certain facility improvements have been identified as project impacts based upon Mitigated Negative Declaration (IS-07-015) and accompanying Mitigation Monitoring Program. These include the requirements for the construction of a signal at the intersection of Fenton and Showroom Place prior to development of Area B. Other required mitigation measures are related to aesthetics/visual quality, air quality, paleontological, hydrology and water quality, noise, and traffic. Implementation of these mitigation measures along with payment of required DIF fees will ensure the Project will maintain consistency with the City's Quality of Life Standards.

In light of the findings above, the City Council approves the EastLake Business Center II Supplemental Public Facilities Financing Amendment as presented in Exhibit "D."

X. APPROVAL OF AMENDMENTS TO ASSOCIATED REGULATORY DOCUMENTS

The City Council approves the amendments to the associated regulatory documents including the Design Guidelines for EastLake Business Center II Supplemental SPA as shown in Exhibit "C."

XI. APPROVAL OF ADDENDUMS TO ASSOCIATED REGULATORY DOCUMENTS

The City Council approves 2007 addendums to the Air Quality Improvement Plan and Water Conservation Plan for EastLake Business Center II Supplemental SPA Plan as shown in Exhibit "C."

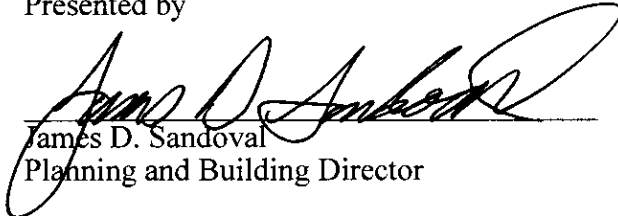
XIII. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the forgoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, and any of such conditions fail to be so implemented and maintained according to the their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of future building permits, deny, revoke or further condition all certificates of occupancy issued under the authority of approvals herein granted, instituted and prosecute litigate or compel their compliance or seek damages for their violations. No vested rights are gained by Applicant or successor in interest by the City approval of this Resolution.

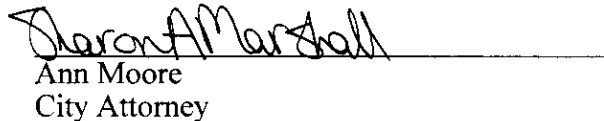
XIV. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon enforceability of each and every term, provision, and condition herein stated; and that in the event that any one or more terms, provisions or conditions are determined by the Court of competent jurisdiction to be invalid, illegal or unenforceable, if the city so determines in its sole discretion, this resolution shall be deemed to be revoked and no further in force or in effect.

Presented by


James D. Sandoval
Planning and Building Director

Approved as to form by

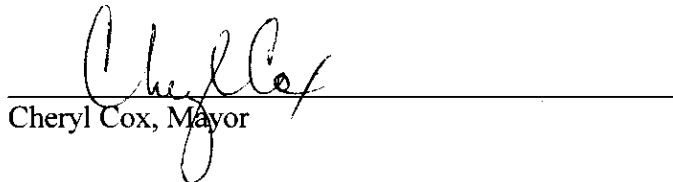

Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 18th day of December 2007 by the following vote:

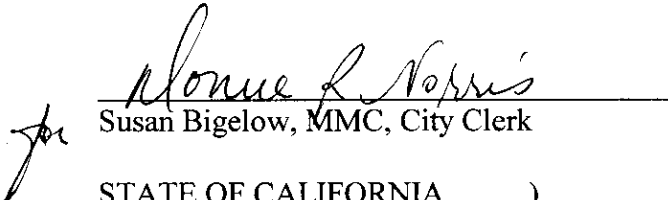
AYES: Councilmembers: Castaneda, McCann, Ramirez, Rindone, and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None


Cheryl Cox, Mayor

ATTEST:


for Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2007-299 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 18th day of December 2007.

Executed this 18th day of December 2007.

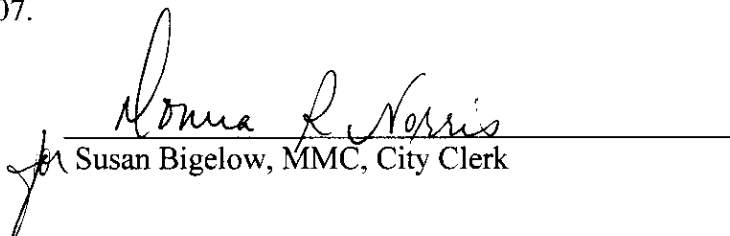
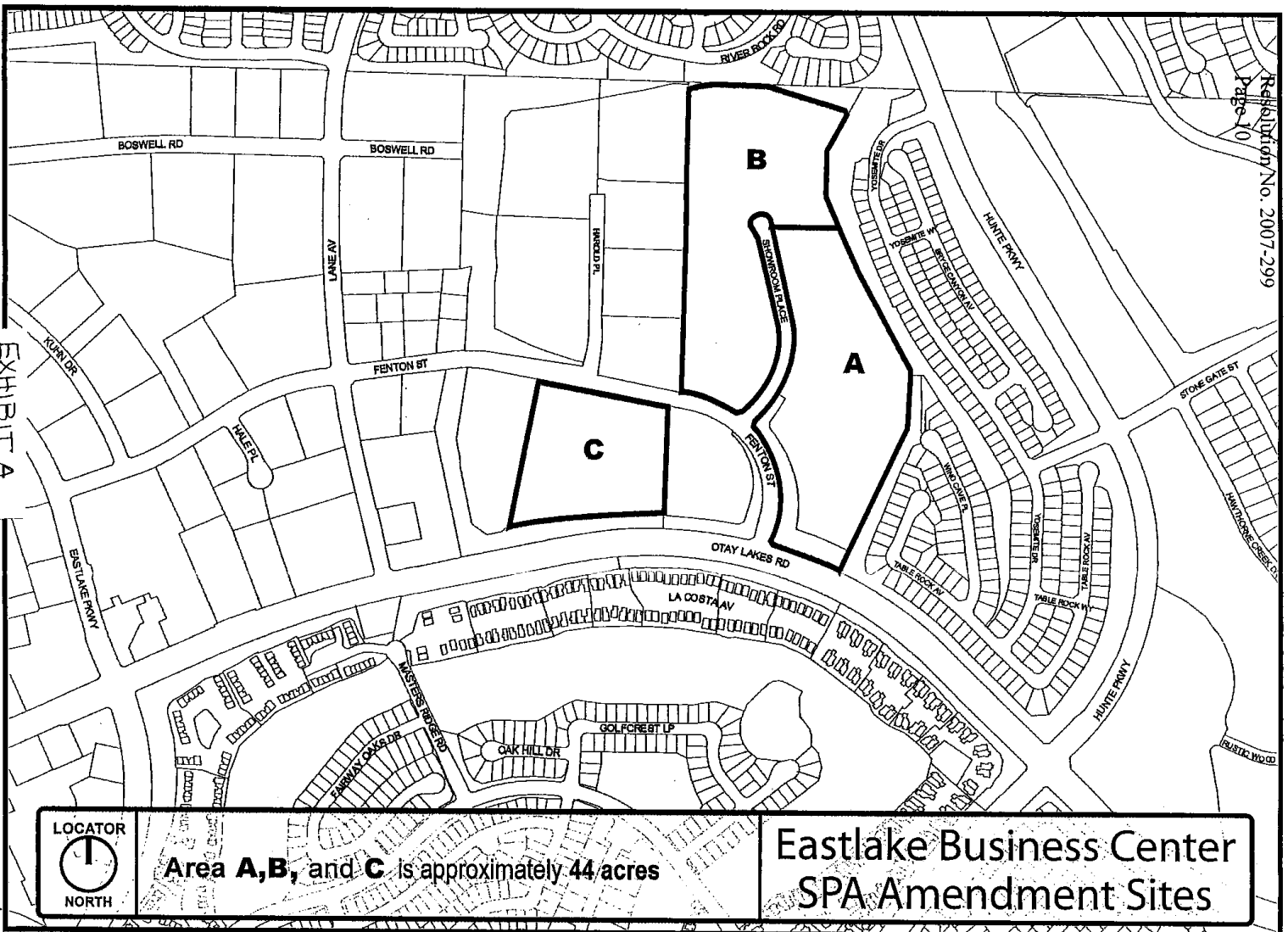

for Susan Bigelow, MMC, City Clerk

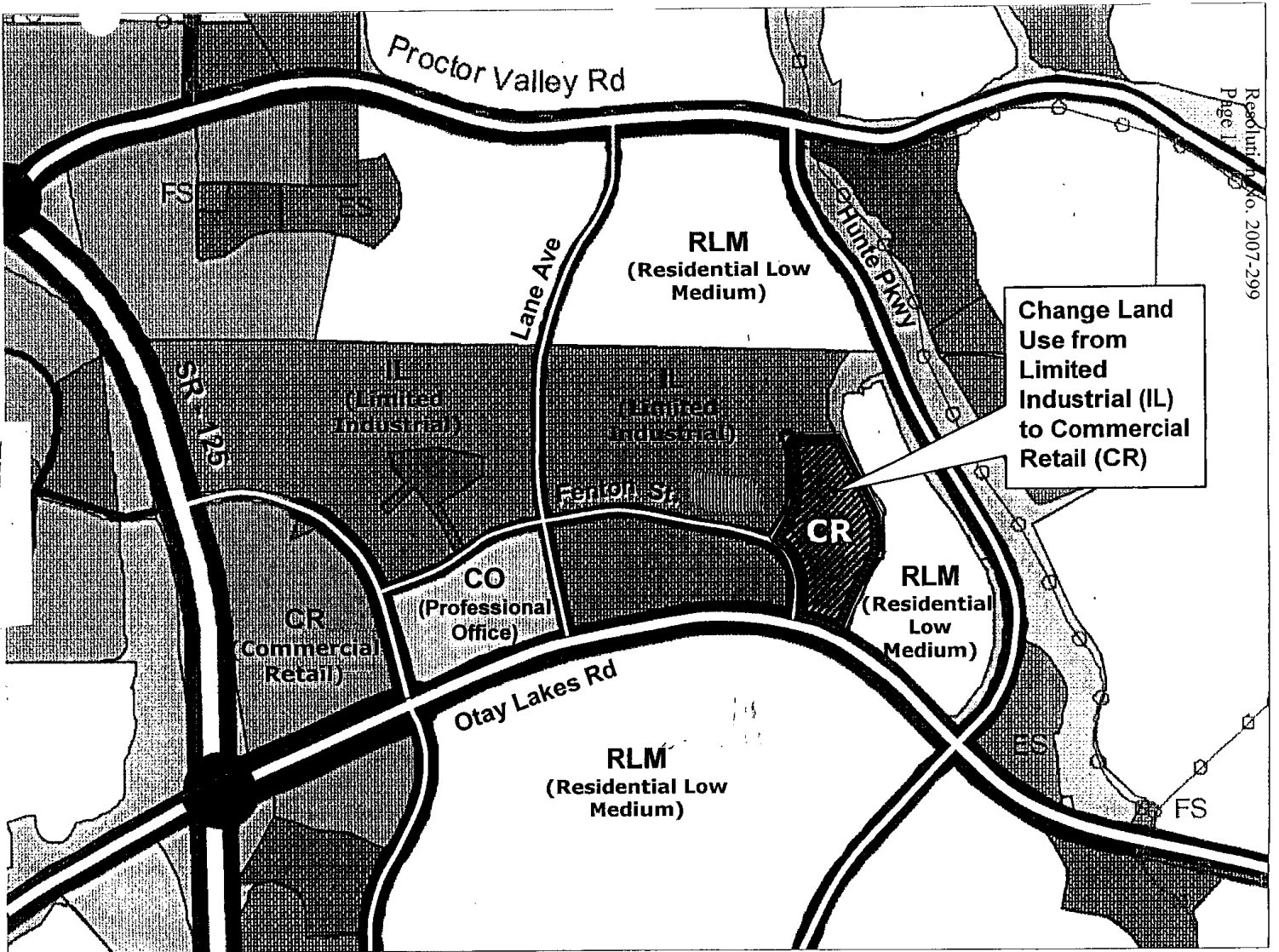
EXHIBIT A



Area A, B, and C is approximately 44 acres

Eastlake Business Center
SPA Amendment Sites

EXHIBIT B



LAND USE AND TRANSPORTATION ELEMENT

CHAPTER 5

TABLE 5-6
GENERAL PLAN LAND USE DISTRIBUTION IN 2030 BY PLANNING AREA
(ACRES)

| General Plan Land Use Designation | Total General Plan Area | Bay-front | North-west | South-west | East | | |
|---|-------------------------|-----------|------------|------------|---------------------------|-------------------------------|------------------------------|
| | | | | | East Chula Vista Subareas | Unincorp. Sweet-water Subarea | Unincorp. Otay Ranch Subarea |
| RESIDENTIAL | | | | | | | |
| Low | 6,972 | | 64 | | 1,555 | 2,453 ¹ | 2,900 |
| Low Medium | 8,200 | | 1,354 | 1,401 | 4,927 | 307 | 211 |
| Medium | 1,201 | | 187 | 288 | 622 | 32 | 72 |
| Medium High | 734 | | 143 | 113 | 381 | | 97 |
| High | 417 | 17 | 124 | 253 | 23 | | |
| Urban Core | 84 | | 84 | | | | |
| COMMERCIAL | | | | | | | |
| Retail | 971,988 | 121 | 115 | 202 | 501,518 | 32 | |
| Visitor | 75 | 44 | 11 | 2 | 18 | | |
| Professional & Admin. | 160 | 21 | 61 | 7 | 59 | 12 | |
| MIXED USE | | | | | | | |
| Mixed Use Residential | 727 | | 174 | 98 | 405 | | 50 |
| Mixed Use Commercial | 110 | | 37 | 58 | 15 | | |
| Mixed Use Transit Focus Area | 122 | | 83 | 39 | | | |
| INDUSTRIAL | | | | | | | |
| Limited Industrial | 1,799,1,773 | 86 | 116 | 384 | 1,204,1,187 | | |
| Regional Technology Park * | 200 | | | | 200 | | |
| General Industrial | 218 | 218 | | | | | |
| PUBLIC, QUAS PUBLIC AND OPEN SPACE | | | | | | | |
| Public/Quasi-Public | 3,021 | 27 | 225 | 321 | 2,028 | 381 | 39 |
| Parks and Recreation | 931 | 60 | 73 | 106 | 573 | 88 | 31 |
| Open Space | 6,303 | 23 | 215 | 617 | 3,886 | 1,099 | 463 |
| Open Space Preserve | 17,910 | 362 | 18 | 97 | 5,200 | 2,008 | 10,225 |
| Open Space – Active Recreation | 367 | | 44 | | 323 | | |
| Water | 2,672 | 1,498 | | | | 9 | 1,165 |
| SPECIAL PLANNING AREA | | | | | | | |
| Eastern Urban Center | 240 | | | | 240 | | |
| Resort | 275 | 45 | | | | | 230 |
| Town Center * | 169 | | | | 169 | | |
| OTHER² | 4,553 | 98 | 866 | 829 | 2,291 | 408 | 61 |
| TOTAL ACRES | 58,422 | 2,620 | 3,994 | 4,815 | 24,620 | 6,829 | 15,544 |

1- The unincorporated portion of the Northwest Planning Area (87 acres of Residential Low) is included in the Unincorporated Sweetwater Subarea column only.

2- Streets, freeways, utility right-of-ways

*Please see Page LUT-285 for Final Action Deferral Areas information